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581-022-2263

Physical Education Requirements

(1) For purposes of this section, “district” means a school district, education service district, or public charter school.

(2)(a) Districts shall ensure that each public school student in kindergarten through grade eight will receive physical education throughout the entire school year.

(b)(A) Except as provided in subparagraph (C) of this paragraph, districts shall ensure that each public student in kindergarten through grade five will receive:

(i) For the 2019-2020 school year, at least 120 minutes of physical education each school week if the school on average holds classes five days a week over the course of the school year, or at least 100 minutes of physical education each school week if the school on average holds classes four days a week over the course of the school year.

(ii) For each school year subsequent to the 2019-2020 school year, at least 150 minutes of physical education each school week if the school on average holds classes five days a week over the course of the school year, or at least 120 minutes of physical education each school week if the school on average holds classes four days a week over the course of the school year.

(B) Except as provided in subparagraph (C) of this paragraph, districts shall provide each public student in grade six through grade eight with:

(i) For the 2021-2022 school year, at least 180 minutes of physical education each school week if the school on average holds classes five days a week over the course of the school year, or at least 144 minutes of physical education each school week if the school on average holds classes four days a week over the course of the school year.

(ii) For each school year subsequent to the 2022 school year, at least 225 minutes of physical education each school week if the school on average holds classes five days a week over the course of the school year, or at least 180 minutes of physical education each school week if the school on average holds classes four days a week over the course of the school year.

(C) Districts shall provide each public student in grade six with the number of physical education minutes required by subparagraph (A) of this paragraph if the student attends a public school teaching students in kindergarten through grade six.

(c) Notwithstanding the time requirements of paragraph (b) of this subsection, for weeks during which the number of minutes that a public school provides instruction is less than the number of minutes that the school provides instruction during a week where the school provides instruction for every usual school hour, the time requirements specified in paragraph (b) of this subsection may be reduced by the percentage of the time requirements specified in paragraph (b) of this subsection that correlates to the percentage of minutes that the school did not provide instruction. For purposes of this paragraph, “provide instruction” means “provide instruction during usual school hours.”

(d) Notwithstanding the time requirements of paragraph (b) of this subsection, if a district receives a waiver pursuant to OAR 581-022-1920 of the requirement to teach 900 hours of instructional time for kindergarten through grade eight, the time requirements of paragraph (b) of this subsection may be reduced by the percentage of the time requirements specified in paragraph (b) of this subsection that correlates to the percentage of instructional time for which the district receives the waiver.

(3)(a) Districts are not required to comply with the time requirements established by subsection (1)(b) of this rule for school years during the biennium in which the total amounts appropriated or allocated to the State School Fund and available for distribution to districts are less than the amounts determined to be needed to be distributed to districts from the State School Fund under the tentative budget prepared pursuant to ORS 291.210. After the beginning of the biennium, a district may cease to comply with the time requirements established by subsection (1)(b) of this rule if the amounts appropriated or allocated to the State School Fund and available for distribution to districts are less than the amounts determined to be needed to be distributed to districts from the State School Fund, as calculated under ORS 291.210.

(b) In any biennia in which the total amounts appropriated or allocated to the State School Fund and available for distribution to districts are less than the amounts determined to be needed to be distributed to districts from the State School Fund under the tentative budget prepared pursuant to ORS 291.210, the Oregon Department of Education shall provide notice to each district as soon as practicable after making the determination that they are not required to comply with the time requirements established by subsection (1)(b) of this rule.

(4) Nothing in this rule affects the duties described in OAR 581-022-2265.